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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: MONFREUX- GAILLARD,  
Nathalie et al.

Serial No.: 09/856,740

Confirmation No.: 3768

Filed: January 9, 2002

For: INVERTIBLE EMULSIONS STABILIZED BY  
AMPHIPHILIC POLYMERS AND APPLICATION  
TO BORE FLUIDS

Group Art Unit: 1713

Examiner: Wilson, Donald R.

Atty. Dkt. No.: 11836.0700.PCUS00  
(MIDR700)

**SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT AND  
ELECTION OF SPECIE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to  
the Patent Office at 703-872 9306 on the date below:

14 Nov 03  
Date

*Walter White*  
Signature

In response to Paper No. 10, mailed on October 14, 2003, Applicant requests the  
following be taken into account by the Examiner.



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**PROVISIONAL ELECTION OF GROUP II:**

Applicant requests that the Examiner conduct the examination of the above referenced application based on Group II claims 13-22, which is directed to an emulsion of an oleaginous fluid and a non-oleaginous fluid with a polymeric surfactant.

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**TRAVERSAL OF RESTRICTION REQUIREMENT:**

Applicant traverses the restriction requirement on the grounds that the Examiner will not incur an undue burden, which is one of the two requirements for supporting a restriction requirement as noted in the Manual for Patent Examining Procedure § 803. It is respectfully submitted that during the searching of the prior art for the limitations recited in the claims of the provisionally elected Group II, the Examiner will necessarily to search the classes that include the other Groups. Further, it is submitted that during the course of that search, the Examiner will by necessity search and consider these limitations and in doing so will necessarily search the art in the classes and subclasses of the other Groups. Therefore, the Examiner will not be subjected to multiple searches and thus the current situation does not constitute an undue burden for the Examiner. In view of the above arguments, Applicant requests that the restriction requirement be reconsidered and withdrawn, and all the claims be examined together on the merits.

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**PROVISIONAL ELECTION OF SPECIE :**

Applicant requests that the Examiner conduct the examination of the above referenced application based on the following specie:

a) polymer backbone of polyacrylic acid (PAA) including its sodium salt. Specifically polymers formed from polyacrylic acid (or its salts) that have been grafted with a di-n-alkylamine in an amount sufficient to a) render the products insoluble in water and b) produce products that are effective stabilizers of invert emulsions of sodium chloride or calcium chloride brine in an oleaginous continuous phase, wherein the n-alkyl chains of the di-n-alkylamine contain from 6-22 carbon atoms.

b) n-alkylamines, the alkyl chains of which contain 6-22 carbon atoms. Specifically di-n-alkylamines, the normal alkyl chains of which contain 6 to 22 carbon atoms.

c) oleaginous fluids used to form the continuous phase of an invert emulsion, such as linear alpha-olefins. Specifically, water-immiscible hydrocarbons or esters (or mixtures thereof) of sufficiently high molecular weight to display low volatility and low fire risk, yet sufficiently low molecular weight to a) remain liquid at reduced ambient temperature, and b) to exhibit a viscosity low enough to be readily pumped.

d) An aqueous solution of a salt or mixture of salts as the non-oleaginous dispersed phase, where the concentration of the salt or salts is at least 5% by weight. Calcium chloride and sodium chloride are preferred and most preferred is  $\text{CaCl}_2$  solution in water at a concentration of at least 5% by weight.

e) An invert emulsion of the non-oleaginous aqueous phase (as defined above) in the oleaginous phase (as defined above). Specifically and preferably when the oil:water ratio is in the range 35:65 to 99.5:0.5 (percent by volume).

Amended claims 12-22 read on this specie. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

Applicant asserts the right to claim additional species in the event that a generic claim thereto is found to be allowable in accordance with 37 C.F.R. § 1.141(a). Consideration and allowance of all pending claims, are respectfully requested.

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**PROVISIONAL ELECTION OF A SINGLE ULTIMATE SPECIE:**

Applicant requests that the Examiner conduct the examination of the above referenced application based on the the following single ultimate specie basedon the following genera:

|    | Genera:                              | Ultimate Specie:                       |
|----|--------------------------------------|--|
| a) | polymer backbone of polyacrylic acid | (see above)                            |
| b) | n-alkyl amines                       | di-n-dodecylamine                      |
| c) | Oleaginous fluids                    | hexadecane                             |
| d) | Non-oleaginous fluids                | 20% Aqueous calicum chloride solution  |
| e) | Invert Emulsion                      | 35:65 to 99.5:0.5 (percent by volume). |

The above election of an ulitmate specie has been made in response to Paper 10 issued by the Examiner and is made without prejudice and with traversal of the requirement. Applicant requests the Examiner to consider the claimed invention as a whole giving full breadth and meaning to the language presented and not as a specific illustrative embodiment or example setforth in the specification.

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The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 11836.0700.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.



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Respectfully submitted,

Carter J. White

Patent Attorney

Reg. No. 41374

Tel. 713 268 1372

Date: 14 Nov 03

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## FACSIMILE COVER SHEET

DATE: November 14, 2003

TO: NAME: Examiner Donald R. Wilson

COMPANY: USPTO - Art Unit 1713

FAX NUMBER: 703 872 9306 PHONE NUMBER: \_\_\_\_\_

CITY: Alexandria VA

FROM: NAME: Carter J. White, Patent Attorney Reg. No. 41374

DIRECT DIAL NUMBER: 713 268 1372 USER ID: 2220

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## SUPPLEMENTAL MESSAGE:

Please do not hesitate to contact me to further the prosecution of this application.

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IF THERE ARE ANY QUESTIONS OR PROBLEMS WITH THE TRANSMISSION OF THIS FACSIMILE, PLEASE CALL 713.787.1520.